

MINUTES OF MEETING  
NORTH CASS WATER RESOURCE DISTRICT  
CASS COUNTY HIGHWAY DEPARTMENT  
WEST FARGO, NORTH DAKOTA  
DECEMBER 23, 2014

The North Cass Water Resource District met on December 23, 2014, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Wes Ecker, Vice Chairman; Robert Thompson, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; and Kurt Lysne, Engineer for the Board.

**Minutes**

It was moved by Manager Thompson and seconded by Manager Ecker to approve the minutes of the November 25, 2014, meeting. Upon roll call vote, the motion carried unanimously.

**Resolution of Condolence to the family of Michael R. Buringrud**

It was moved by Manager Thompson, seconded by Manager Ecker and unanimously carried to approve the following Resolution:

RESOLUTION COMMENDING MICHAEL R. BURINGRUD  
FOR HIS SERVICE TO THE COMMUNITY

WHEREAS, Michael R. Buringrud had been a dedicated public servant in the capacity of Manager on the North Cass Water Resource District; and

WHEREAS, he served the residents of Cass County for many years as a leader and as a friend;

NOW THEREFORE BE IT RESOLVED, that the North Cass Water Resource District Board hereby offers its condolences and sympathy to the family of Michael R. Buringrud.

Dated at West Fargo, North Dakota, this 23rd day of December, 2014.

**Engineering Services Selection**

Sean Fredricks updated the Board on the progress of the Engineering Services Selection process. Proper advertising has taken place and one Qualification Statement has been received.

It was moved by Manager Ecker and seconded by Manager Thompson to approve the *Agency Selection Committee – Second Report* to engage in the interview process for

engineering services to comply with new State Water Commission cost share policy, and to schedule an interview on January 8, 2015. Upon roll call vote, the motion carried unanimously.

**Application to Install a Subsurface Drain No. 201418 for Jody J. Burgum in the SE 1/4 of Section 9 in Gunkel Township**

The Board reviewed *Application to Install a Subsurface Drain No. 201418* dated November 20, 2014, for Jody Burgum. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the “statewide” elements; therefore, the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the Office of the State Engineer to consider and approve). Under the application, Applicant seeks to install a drain tile system in the SE 1/4 of Section 9 in Gunkel Township, Cass County, North Dakota. The project will include a single pump outlet in the southeast corner of Section 9; the pump will discharge through a culvert to the east, through the north-south township road between Sections 9 and 10; the tile discharge will flow east through the north township road ditch along the south boundary of Section 10 until the tile discharge ultimately outlets into the South Branch of the Elm River tributary in the SE 1/4 of Section 10 of Gunkel Township.

The Board previously provided *Thirty-Day Notices* to downstream landowners within one mile of the outlet of the project as required under N.D. Cent. Code Section 61-32-03.1.

According to records on file with the Cass County Recorder’s Office, Jody Burgum owns the SE 1/4 of Section 9 of Gunkel Township, less the southwest corner of the SE 1/4 (property Applicant does not intend to tile); Katherine Burgum Itterman owns the S 1/2 SW 1/4 of Section 10; and Mary Nelson Schmidt owns the S 1/2 SE 1/4 of Section 10.

It was moved by Manager Thompson and seconded by Manager Ecker to approve *Application to Install a Subsurface Drain No. 201418* dated November 20, 2014, for Jody Burgum in the SE 1/4 of Section 9 in Gunkel Township, subject to the following conditions:

1) That Applicant obtain and record (with the Cass County Recorder’s office) flowage easements (and not just written consents), including language that permits saline water, from the owners of the following parcels in Gunkel Township, Cass County, North Dakota:

- a. The S 1/2 SW 1/4 of Section 10; and
- b. The S 1/2 SE 1/4 of Section 10 lying west of the South Branch Elm River tributary;

2) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;

- 3) That Applicant obtain written permission from the Gunkel Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches;
- 4) That Applicant notify the North Cass Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 5) That Applicant notify the North Cass Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 6) That Applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the North Cass Water Resource District; and
- 7) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

**Application for Johnson's Barn Subdivision in Section 1 of Arthur Township**

The Board had no comment to submit to the Cass County Planner regarding the application for *Johnson's Barn Subdivision* in Section 1 of Arthur Township.

**Year-end issues**

It was moved by Manager Thompson and seconded by Manager Ecker to authorize the following:

- The Secretary-Treasurer to make any minor year-end transfers to balance the North Cass Water Resource District 2014 budget;
- The Secretary-Treasurer to make transfers to and from obligated funds, if necessary; and
- The Secretary-Treasurer to amend the North Cass Water Resource District 2014 budget.

Upon roll call vote, the motion carried unanimously.

**Bills**

It was moved by Manager Ecker and seconded by Manager Thompson to approve payment of Checks #3955 through #3962, as presented. Upon roll call vote, the following Managers voted in favor: Ecker and Thompson. The Vice Chairman declared the motion passed.

**Drain #55 Channel Improvements**

It was moved by Manager Thompson and seconded by Manager Ecker to approve and authorize Manager Ecker to sign two *Purchase Agreements* regarding the Drain #55 Channel Improvements Project. Upon roll call vote, the motion carried unanimously.

**Combining North Cass and Rush River Water Resource Districts**

The Board discussed the possibility of combining the North Cass Water Resource District and the Rush River Water Resource District. Sean Fredericks stated a petition would need to be submitted by both Water Resource Districts to the State Engineer and a Hearing would be held on the matter. The Board decided not to pursue the matter.

**Adjournment**

There being no further business to be considered by the Board, it was moved by Manager Thompson, seconded by Manager Ecker and unanimously carried to adjourn the meeting.

APPROVED:

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Wes Ecker  
Vice Chairman

ATTEST:

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Carol Harbeke Lewis  
Secretary-Treasurer